



## **PERIODIC REVIEW**

**Jacobson Terminals, Inc.  
Facility Site ID#: 6662658**

**5350 30<sup>th</sup> Ave. NW,  
Seattle, Washington**

**Northwest Region Office**

**TOXICS CLEANUP PROGRAM**

**February 2010**

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## 1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup site conditions and monitoring data to ensure that human health and the environment are being protected at the Jacobson Terminals, Inc. (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
  - 1. Institutional controls or financial assurance are required as part of the cleanup
  - 2. Where the cleanup level is based on a practical quantitation limit
  - 3. Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site;
- (b) New scientific information for individual hazardous substances or mixtures present at the site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

## **2.0 SUMMARY OF SITE CONDITIONS**

### **2.1 Site Description and History**

The United States Army Corps of Engineers (Corps) Seattle District and Jacobson Terminals, Incorporated (Jacobson) retained Hart Crowser, Incorporated (Hart Crowser) to perform contaminated soil removal and disposal, and groundwater monitoring well installation and sampling and analysis at an area within 5350 30<sup>th</sup> Ave. NW, Seattle, Washington on the Lake Washington Ship Canal near the Hiram Chittenden Locks. The purpose of the action was to address identified petroleum hydrocarbons (TPH) and polychlorinated biphenyl (PCB) contaminated soil at the east boundary of the Corps property/west boundary of the Pirelli-Jacobson property. This contamination more specifically is located between the Corps Equipment Storage Building and the Jacobson property transformer building, and the Jacobson alley south of the Pirelli-Jacobson Marine Storage Building. This area lies within a larger contaminated Site known similarly as the Jacobson Terminals. The smaller area addressed in this review is distinguished in Ecology records from the larger Jacobson Terminals Site as Jacobson Terminals, Inc.

The Jacobson property is located on a former estuarine tideflat. The area was filled in the 1920s with sand dredged from the Lake Washington Ship Canal, wood waste, and construction debris. The property was the site of a lumber mill from the 1890s to the 1930s. Starting around 1940, the property was used for loading and unloading boats and for storage. The property has been used as a marine support facility since 1975. Various tenants with offices and an operation yard for marine business currently occupy the property.

### **2.2 Site Investigations and Sample Results**

The cleanup of petroleum contaminated soil (PCS) follows identification in 1993 of a potential petroleum release and follow-up site characterization by the Corps and Jacobson. Construction of a new fence on the eastern border of the Corps property with the Pirelli-Jacobson property was initiated in 1993. During excavation for a concrete retaining wall footing, soil with an oily appearance and a strong petroleum odor was discovered. Excavation and construction ceased pending further investigation of the soil in this area. Field investigations were conducted by Woodward-Clyde on behalf of the Corps and by Hart Crowser on behalf of Jacobson. These investigations identified the presence of TPH, PCBs, and trace concentrations of other constituents, and estimated the horizontal extent of contamination. Based on results of the combined studies and the potential to impact regional surface water and groundwater, the recommended remediation was to remove the contaminated soils.

Four soil borings (HC-MW-1 through HC-MW-3 and HC-SB-1) were drilled, three of which were completed as monitoring wells. HC-MW-1 and HC-MW-2 were completed at a depth of 14.5 feet. HC-MW-3 was completed at a depth of 13.0 feet. Eighteen-inch soil samples were collected at depth intervals of every 5 feet from each boring. Field observations during drilling indicate the site is underlain by 3 to 6 feet of fill consisting of crushed rock and silty, gravelly,

fine to medium sand. Below this, the soils are generally described as hydraulic fill placed for construction of the ship canal locks and terminals. These soils consist of silty sand to sand with interbedded thin silt layers. A soft to medium stiff, clayey silt was encountered at approximate depths of 14 and 11 feet in HC-MW-1 and HC-MW-3, respectively. In soil borings HC-MW-3, HC-SB-1, and HC-MW-2, creosote-like odors were observed in the soil samples. Additionally, during drilling of HC-SB-1 and HC-MW-2, a sheen was observed on the groundwater table in the hollow-stem auger. Sheens were also initially observed during well development of monitoring wells HC-MW-2 and HC-MW-3. However, no sheen was observed during well sampling.

## 2.3 Cleanup Actions

Approximately 64 tons of PCS were excavated from the site and disposed of at the Rabanco Regional Landfill in Roosevelt, Washington. As part of the removal action, excavation side wall and bottom soil verification samples were collected and analyzed for TPH quantified as diesel/oil, and for PCBs. Results of analysis indicated soil from the excavation bottom and side walls contained diesel concentrations above the Washington State Department of Ecology's (Ecology's) Model Toxics Control Act (MTCA) Method A Industrial soil cleanup level of 200 milligrams per kilogram (mg/kg). Results of analyses indicated PCB levels below Ecology's MTCA Method A Industrial soil cleanup level of 10 mg/kg. Three monitoring wells were installed, and groundwater samples were collected and analyzed for TPH and PCBs.

PCBs were not detected in any of the groundwater samples collected. Chemical analytical results of groundwater from well HC-MW-3 (upgradient of the excavation area) reported a Washington Method TPH-Diesel Range (WTPH-D) concentration of 0.33 milligrams per liter (mg/L), which is below the MTCA Method A cleanup level of 1.0 mg/L. TPH was not detected in groundwater samples from the other two monitoring wells, but they are quite a distance from the area of contaminated soil.

The soil removal and excavation backfilling were performed between August 19 and 23, 1996, and the well installation/sampling and PCS disposal occurred between September 24 and 30, 1996. Portions of the field work were performed in the presence of Ms. Anna Campbell (Corps representative). The Corps assigned this project under Contract No. DACW67-96-M-0671. This work was accomplished in general accordance with the Management Plan, dated August 21, 1996, and the Management Plan Addendum, dated September 6, 1996 for the larger Jacobson Terminals/Market Street Site cleanup.

Approximately 90 cubic yards of soils were excavated to an approximate depth of 3 to 5 feet below adjacent ground surface. Soils were temporarily stockpiled on site in a plastic lined and covered area on the asphalt parking lot just north of the excavation. During excavation, samples were collected from the ongoing excavation soil face or from shallow test pits dug adjacent to the excavation. These samples were screened in the field for PCBs and TPH. Final verification soil samples for laboratory analysis were collected when the excavation was completed. Field observations following excavation indicated visual signs of in-place soils affected by petroleum hydrocarbons in the excavation side walls. A test pit excavated approximately 5 feet south of the

final southern PCS excavation limit did not encounter petroleum-stained soils. Following verification soil sampling, the excavation was backfilled with imported soils. Soil was placed and compacted in successive layers.

The results of soil sampling and laboratory analysis indicate that PCS remains in the bottom and side walls of the excavation. Physical site constraints restrict further removal of PCS. Based on the analytical results of the 1996 work and previous investigations, it is estimated that a volume of PCS remaining beneath the site buildings and associated paved parking areas is estimated to be 100 cubic yards. The recommended remedial approach for the remaining PCS was to leave it in place and monitor groundwater to demonstrate that the in-place soil is not adversely affecting groundwater conditions. Information from this proposed groundwater monitoring has not been readily available in Ecology files.

To assess potential impacts of TPH and PCB contamination to the groundwater, three monitoring wells (HC-MW-1 through HC-MW-3) were installed in accessible areas around the PCS excavation. Well HC-MW-3 is located in the expected upgradient location from the PCS excavation. Wells HC-MW-1 and HC-MW-2 are located in expected downgradient locations. Water was encountered at depths of approximately 5 to 8 feet. The initial soil boring for well HC-MW-2 (HC-SB-1) was not completed as a monitoring well because an approximate 5-foot-thick zone of wood debris was encountered in the planned well screen interval. An oil layer/sheen on the groundwater table and a creosote-like odor were noted in this boring during withdrawal of drill rods and water level measuring equipment. This oil sheen may have originated from the auger cuttings of the wood material. A well installed in this material would not represent an accurate groundwater condition; therefore, the soil boring was abandoned and HCMW-2 was installed at a nearby location. The information does indicate, however, that there is creosote in the location of HC-SB-1, and likely in other areas as well.

Groundwater was encountered during excavation at a depth of approximately 5 to 8 feet. This water level is considered the top of the localized groundwater table. Excavation below the water table was stopped at the request of the Corps project manager for the following reasons:

- Concern for building integrity;
- Concern with disposal of wet contaminated material removed below the water table;
- Concerns of contract-capacity for soil disposal and lack of dewatering capacity in the contract; and
- The limited benefits of additional excavation based on chemical analysis results of groundwater monitoring.

Given the impact to the groundwater surrounding the PCS excavation, it was recommended by the consultant that groundwater monitoring continue with no additional PCS excavation. Water samples from the three monitoring wells were to be collected and analyzed quarterly for one year to determine if seasonal variations of rainfall and groundwater fluctuations effect groundwater TPH concentrations. After one year, the frequency of the monitoring would be re-evaluated, but no record of this groundwater monitoring has been found in Ecology files. In any case, monitoring the wells would only disclose if the groundwater contamination has reached them;

the groundwater is already known to be in contact with contaminated soil remaining in the immediate vicinity of the area that was excavated.

A 'No Further Action' (NFA) letter was issued by Ecology for this smaller area cleanup on August 4, 1998, after a restrictive covenant was recorded, in spite of the lack of an acceptable point of compliance of groundwater. The NFA letter will likely be reconsidered after this review. It should be noted that the letter also refers to apparently an incorrect address, 5355 28<sup>th</sup> Ave. NW, which is according to King County records parcel 1125039017, east of the Jacobson Terminals parcel 0467000784, which is in turn east of the Corps parcel 1125039012. Another item to note is that the restrictive covenant recorded for this cleanup action describes an area straddling Jacobson property and Corps property, yet is only signed by Jacobson family members, and no Corps representatives.

## 2.4 Cleanup Levels

Soil excavation decision points were defined by the following MTCA Method A Industrial soil cleanup levels:

- Diesel or other petroleum hydrocarbons - 200 mg/kg;
- PCB mixtures - 10 mg/kg;
- In addition, it was anticipated in the Management Plan for the larger Jacobson Terminal/Market Street Site cleanup that physical features present at the Site would likely limit the extent of soil excavation.

## 2.5 Restrictive Covenant

Based on industrial Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 1998 which imposed the following limitations:

Section 1. The Remedial Action Area shall be used only for traditional industrial uses as described in RCW 70.105D.020(23) and defined in and allowed under the City of Seattle zoning regulations codified in the City of Seattle Land Use and Building Codes as of the date of this Restrictive Covenant.

The Remedial Action Area contains: an estimated one hundred (100) cubic yards of TPH contaminated soil at levels from 280-22,000 mg/kg (HartCrowser March 1997). This is located between the U.S. Army Corps of Engineers Equipment Storage Building and the Jacobson property transformer building, and the Jacobson alley south of the Pirelli-Jacobson Marine Storage Building. The Owner shall not alter, modify, or remove the existing structure[s] in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

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Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects, or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike, or similar item, bulldozing, or earthwork.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Remedial Action Area.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Remedial Action Area that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action, to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Remedial Action Area, or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs

The Restrictive Covenant is available as Appendix 6.4.



## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of completed cleanup actions**

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site to human exposure without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy on the Jacobson property, but it appears not to be effective for the Corps property, since no Corps representative signed it.

Based upon the site visit conducted on February 17, 2010, the building and pavement cover (remedy) at the Site continue to eliminate exposure to contaminated soils by ingestion and contact. The pavement appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as a shipyard terminal/repair facility. A photo log is available as Appendix 6.5.

Soils with TPH concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy (Site structures and pavement) prevent human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

The soil to groundwater pathway and any existing groundwater contamination has not been satisfactorily addressed.

### **3.2 New scientific information for individual hazardous substances for mixtures present at the Site**

There is no new scientific information for the contaminants related to the Site.

### **3.3 New applicable state and federal laws for hazardous substances present at the Site**

The cleanup at the Site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) (2001 ed.) provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

<b>Analyte</b>	<b>1991 MTCA Method A Soil Cleanup Level (ppm)</b>	<b>2001 MTCA Method A Soil Cleanup Level (ppm)</b>	<b>1991 MTCA Method A Groundwater Cleanup level (ppb)</b>	<b>2001 MTCA Method A Groundwater Cleanup Level (ppb)</b>
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH-Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

### **3.4 Current and projected site use**

The Site is currently used for industrial purposes. There have been no changes in current or projected future site or resource uses.

### **3.5 Availability and practicability of higher preference technologies**

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### **3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels**

The analytical methods used at the time of the remedial action were capable of detection below selected site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the site.

## **4.0 CONCLUSIONS**

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health, but not the environment as groundwater is very possibly contaminated and likely exceeds property boundaries.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards for direct contact to humans since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health from exposure to hazardous substances and protecting the integrity of the cleanup action on the Jacobson property; however, no institutional controls are known to apply on the Corps property, which is also contaminated.
- Groundwater is very possibly in contact with contaminated soil, and since the contaminated soil straddles a property line, a conditional point of compliance for groundwater is probably impossible without additional cleanup actions. The August 4, 1998 'No Further Action' letter may be rescinded.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. Additional cleanup actions may be required of the property owner by Ecology. It is the property owner's responsibility to continue to inspect the site to assure that the integrity of the remedy is maintained.

### **4.1 Next Review**

The next review for the site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

## 5.0 REFERENCES

*Petroleum Contaminated Soils Removal, Lake Washington Ship Canal, Seattle, WA*, Prepared for Seattle District U.S. Army Corps of Engineers, and Jacobson Terminals, Inc., March 1997, by Hart Crowser;

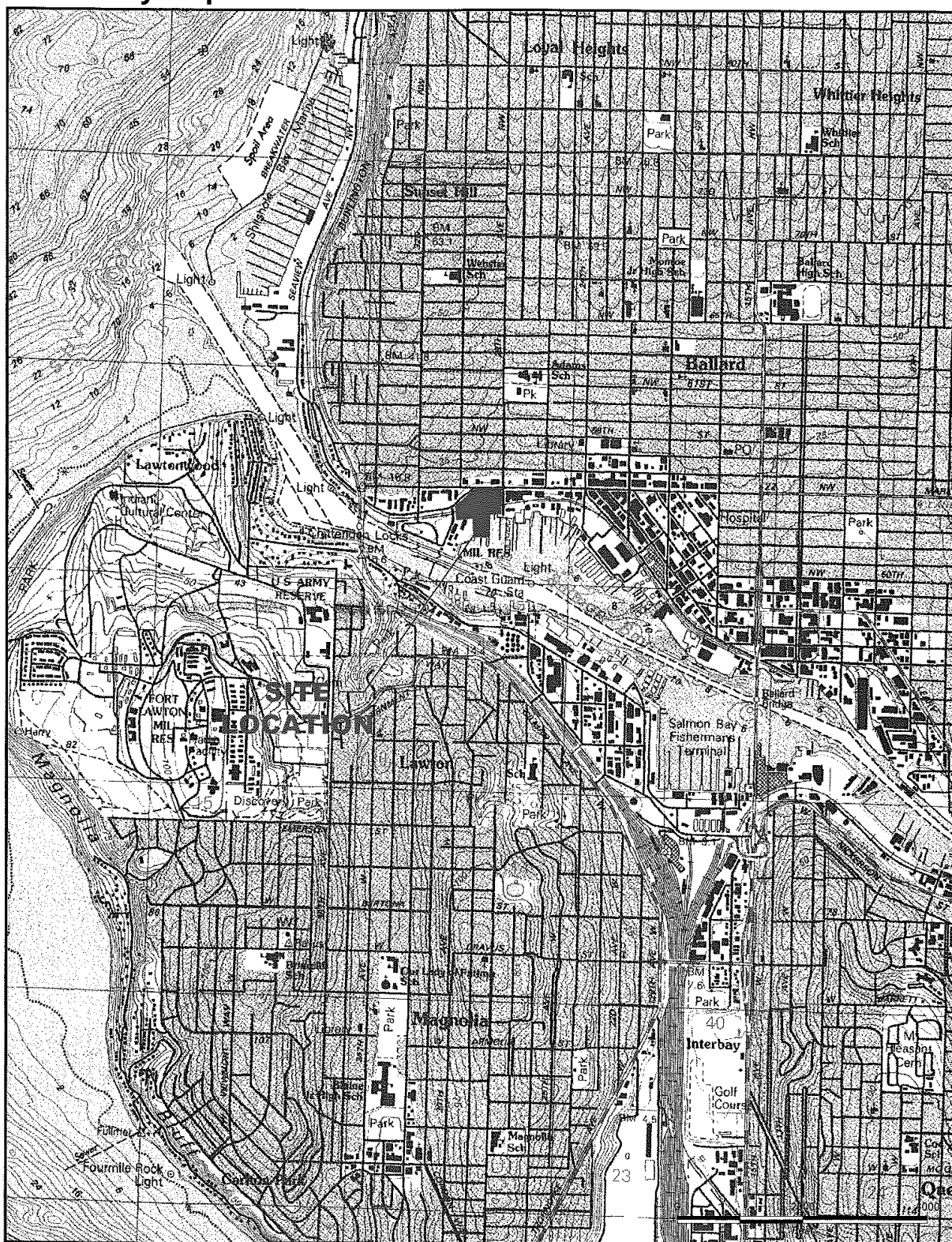
1998 Restrictive Covenant;

Ecology, 2010, Site Visit.

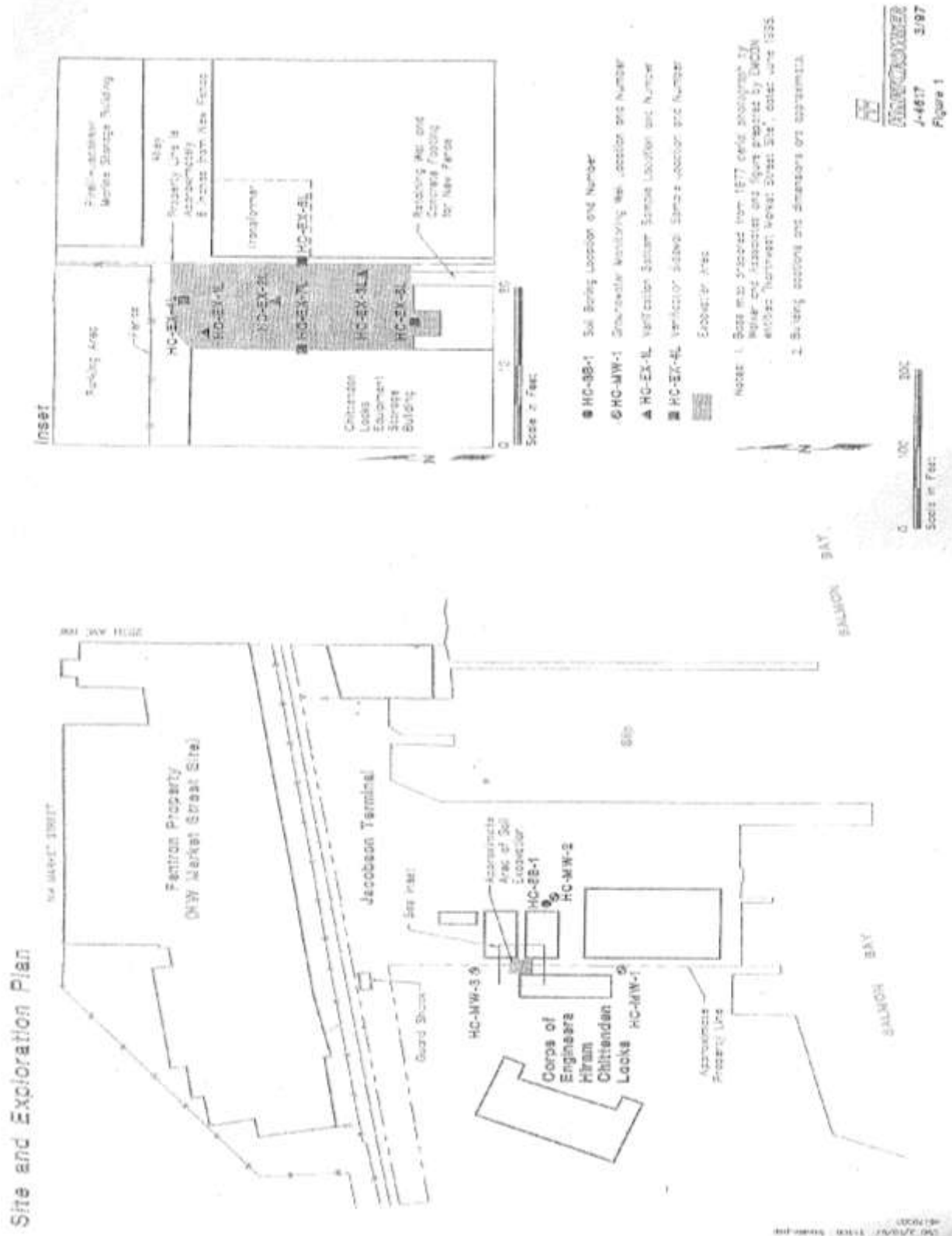
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## **6.0 APPENDICES**

## 6.1 Vicinity Map



## 6.2 Site Plan



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### **6.3 TPH-Dx Concentration Map**

not available



## 6.4 Environmental Covenant

Return Address:  
Alan R. Jacobson  
300 Admiral Way, Suite 209  
Edmonds, WA 98020



9805281028

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Restrictive Covenant  
2.  
3.  
4.

**Reference Number(s) of Documents assigned or released:**  
Additional reference #'s on page \_\_\_\_\_ of document

**Grantor(s)** (Last name first, then first name and initials)  
1. Jacobson, Alan R.  
2. Jacobson, Margie E.  
3. Jacobson, Bryan K.  
4. Jacobson, Karen R.  
☐ Additional names on page \_\_\_\_\_ of document.

**Grantee(s)** (Last name first, then first name and initials)  
1.  
2.  
3.  
4.  
☐ Additional names on page \_\_\_\_\_ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)  
Portion of Government Lot 4, Section 11, Township 25 North, Range 3 East  
W.M., King County, Washington  
☐ Additional legal is on page \_\_\_\_\_ of document.

**Assessor's Property Tax Parcel/Account Number**  
☐ Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

980528-1028 11:31:00 AM KING COUNTY RECORDS 005 1165 16-00

## RESTRICTIVE COVENANT

### JACOBSON TERMINALS, INC. REMEDIAL ACTION AREA

THIS DECLARATION OF RESTRICTIVE COVENANT is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Alan R. Jacobson, Margie E. Jacobson, Bryan K. Jacobson, and Karen R. Jacobson, their successors and assigns (hereafter, "Jacobsons"), and the State of Washington Department of Ecology, its successors and assigns (hereafter, "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following document:

Petroleum-Contaminated Soil Removal, Lake Washington Ship Canal,  
Seattle WA. Prepared for Seattle District U.S. Army Corps of Engineers  
and Jacobson Terminals, Inc., March 1997. HartCrowser.

This document is on file at Ecology's Northwest Regional Office, 3190 - 160th Ave. SE, Bellevue, WA 98008-5452.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of Total Petroleum Hydrocarbons (TPH) which exceed the Model Toxics Control Act Method A Industrial Cleanup Level(s) for soil established under WAC 173-340-740.

The undersigned, Alan R. Jacobson, Margie E. Jacobson, Bryan K. Jacobson, and Karen R. Jacobson, are the fee owners of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The portion of the Property where the Remedial Action occurred (hereafter "Remedial Action Area") is legally described in Attachment A of this Restrictive Covenant and made a part hereof by reference.

The Jacobsons make the following declaration as to limitations, restrictions, and uses to which the Remedial Action Area may be put and specify that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

### Section 1

The Remedial Action Area shall be used only for traditional industrial uses, as described in RCW 70.105D.020(23) and defined in and allowed under the City of Seattle zoning regulations codified in the City of Seattle Land Use and Building Codes as of the date of this Restrictive Covenant.

The Remedial Action Area contains: an estimated one hundred (100) cubic yards of TPH contaminated soil, at levels from 280-22,000 mg/kg (HartCrowser, March 1997). This is located between the U.S. Army Corps of Engineers Equipment Storage Building, and the Jacobson property transformer building, and the Jacobson alley south of the Pirelli-Jacobson Marine Storage Building. The Owner shall not alter, modify, or remove the existing structure[s] in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load-bearing capability, piercing the surface with a rod, spike, or similar item, bulldozing or earthwork.

### Section 2

Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

### Section 3

Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

### Section 4

The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

### Section 5

The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Remedial Action Area.

**Section 6**

The Owner must notify and obtain approval from Ecology prior to any use of the Remedial Action Area that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

**Section 7**

The Owner shall allow authorized representatives of ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

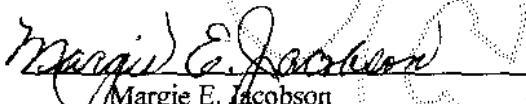
**Section 8**

The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Remedial Action Area, or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

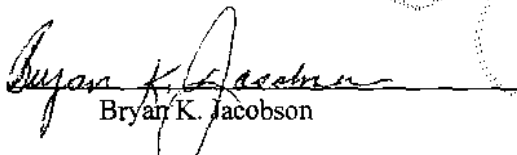
SITE OWNERS:

  
Alan R. Jacobson


Date: May 19, 1998

  
Margie E. Jacobson

Date: May 19, 1998

  
Bryan K. Jacobson

Date: May 20, 1998

  
Karen R. Jacobson

Date: May 19, 1998

Attachment A: Legal Description of Remedial Action Area

STATE OF Washington )  
COUNTY OF King )

On May 19, 1998, before me, Janet L. Brazill,  
personally appeared and personally known to me or proved on the basis of satisfactory evidence  
to be ALAN R. JACOBSON, whose name is subscribed in the within instrument, and  
acknowledged to me that he by his signature executed the instrument.

WITNESS my hand and official seal.

Janet L. Brazill  
NAME: Janet L. Brazill  
Notary Public in and for the State of Washington  
Residing at Seattle, Washington  
My Commission Expires: 01-09-00

9805281028

STATE OF Washington )  
COUNTY OF King )

On May 19, 1998, before me, Janet L. Brazill,  
personally appeared and personally known to me or proved on the basis of satisfactory evidence  
to be MARGIE E. JACOBSON, whose name is subscribed in the within instrument, and  
acknowledged to me that she by her signature executed the instrument.

WITNESS my hand and official seal.

Janet L. Brazill  
NAME: Janet L. Brazill  
Notary Public in and for the State of Washington  
Residing at Seattle, Washington  
My Commission Expires: 01-09-00

STATE OF Washington )  
COUNTY OF King )

On May 20, 1998, before me, Janet L. Brazill,  
personally appeared and personally known to me or proved on the basis of satisfactory evidence  
to be BRYAN K. JACOBSON, whose name is subscribed in the within instrument, and  
acknowledged to me that he by his signature executed the instrument.

WITNESS my hand and official seal.

Janet L. Brazill  
NAME: Janet L. Brazill  
Notary Public in and for the State of Washington  
Residing at Seattle, Washington  
My Commission Expires: 01-09-00

STATE OF Washington )  
COUNTY OF King )

On May 19, 1998, before me, Janet L. Brazill,  
personally appeared and personally known to me or proved on the basis of satisfactory evidence  
to be KAREN R. JACOBSON, whose name is subscribed in the within instrument, and  
acknowledged to me that she by her signature executed the instrument.

WITNESS my hand and official seal.

Janet L. Brazill  
NAME: Janet L. Brazill  
Notary Public in and for the State of Washington  
Residing at Seattle, Washington  
My Commission Expires: 01-09-00

9805281028

**LEGAL DESCRIPTION  
DEPARTMENT OF ECOLOGY RESTRICTIVE USE COVENANT AREA  
JACOBSON TERMINALS**

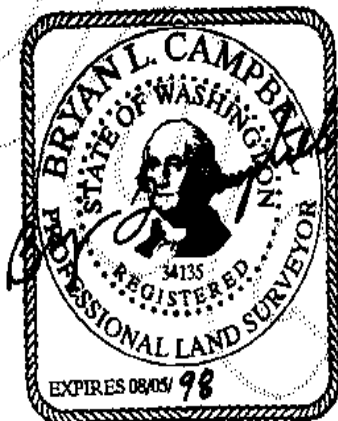
THAT PORTION OF GOVERNMENT LOT 4, SECTION 11, TOWNSHIP 25 NORTH,  
RANGE 3 EAST W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS  
FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SAID  
GOVERNMENT LOT 4 AND THE SOUTHERLY MARGIN OF THE BURLINGTON  
NORTHERN RAILROAD COMPANY RIGHT-OF-WAY;  
THENCE SOUTH 81°04'16" WEST 435.20 FEET ALONG SAID SOUTHERLY  
MARGIN;  
THENCE SOUTH 00°08'20" EAST 140.04 FEET TO THE TRUE POINT OF  
BEGINNING;  
THENCE SOUTH 02°22'47" EAST 8.56 FEET;  
THENCE SOUTH 77°13'48" EAST 27.68 FEET;  
THENCE SOUTH 00°37'35" WEST 15.81 FEET;  
THENCE SOUTH 89°51'40" WEST 27.11 FEET;  
THENCE NORTH 00°08'20" WEST 30.54 FEET TO THE TRUE POINT OF  
BEGINNING.

CONTAINS 517 SQUARE FEET OR 0.0119 ACRES MORE OR LESS.

SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

JACOBSON TERMINALS  
BRYAN L. CAMPBELL, P.L.S.  
BRH JOB NO.: 90419.04  
APRIL 2, 1998



9805281028

**LEGAL DESCRIPTION  
DEPARTMENT OF ECOLOGY RESTRICTIVE USE COVENANT AREA  
JACOBSON TERMINALS**

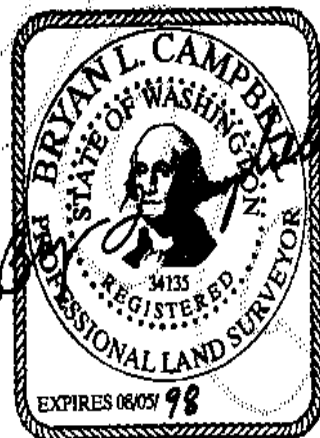
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## 6.5 Photo log

**Photo 1: Alley Between Marine Storage and Transformer Buildings - looking west**



**Photo 2: Closer View of Alley – Corps Equipment Storage Building in background**



**Photo 3: Between Transformer Building and Corps Property- from the north**



**Photo 4: North Side of the Corps Equipment Storage Building – from the east**

